



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Valley Region

Redding Office

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Arnold
Schwarzenegger
Governor

28 May 2009

CERTIFIED MAIL

7007 0220 0003 1934 0976

James Ellison
Lehigh Southwest Cement Company
15390 Wonderland Blvd.
Redding, CA 96003

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2009-0544 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, LEHIGH SOUTHWEST CEMENT COMPANY, SHASTA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements (WDRs) Order R5-2007-0168 by Lehigh Southwest Cement Company. The Complaint charges Lehigh Southwest Cement Company with administrative civil liability in the amount of **three thousand dollars (\$3,000)**, which represents the sum of the statutory Mandatory Minimum Penalties for an effluent limitation violation that occurred at the facility between 1 February 2009 and 28 February 2009.

Pursuant to CWC section 13323, Lehigh Southwest Cement Company may either pay the civil liability and waive its right to a hearing before the Central Valley Water Board, or may contest the Complaint and exercise its right to a hearing. Lehigh Southwest Cement Company has the right to a hearing before the Central Valley Water Board within 90 days of the service of the Complaint. If Lehigh Southwest Cement Company chooses to waive this right and settle the Complaint without a hearing, then a duly authorized agent must sign the enclosed waiver and submit it along with a check in the amount of **three thousand dollars (\$3,000)** to this office by **29 June 2009**. The Central Valley Water Board will consider submittal of the waiver and payment of the full penalty amount as a settlement of the Complaint. However, the settlement will only be considered effective after a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Daniel L. Warner.

If the Regional Water Board does not receive a waiver and payment for the full amount by **29 June 2009**, then a hearing will be scheduled for the **13/14 August 2009** Central Valley Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Daniel L. Warner, so that they are received no later than **5 p.m. on 29 June 2009**. This includes material submitted by the Lehigh Southwest Cement Company to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Central Valley Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 29 June 2009** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/tentative_orders/.

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Daniel L. Warner at (530) 224-4848, or Bryan Smith at (530) 226-3425.

JAMES C. PEDRI, P.E.
Assistant Executive Officer

DLW: sae

Enclosures: Administrative Civil Liability Complaint 5R-2009-0544

cc+encl: Pamela Creedon, Central Valley Water Board, Rancho Cordova
Dan Radulescu, Central Valley Water Board, Rancho Cordova
Reed Sato, Office of Enforcement, SWRCB, Sacramento
Rick Brausch, U.S. Environmental Protection Agency, Region IX, San Francisco
Jason Brush, U.S. Environmental Protection Agency, Region IX, San Francisco
Matthew Kelley, U.S. Army Corps of Engineers, Redding
California Environmental Protection Agency, Sacramento
Department of Fish and Game, Region 1, Redding
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento
Mark Bradley, State Water Resources Control Board, Sacramento
Michael Meinen, Lehigh Southwest Cement Company, Redding